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09/829,643

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REMARKS

The undersigned requests a personal interview with the Examiner in charge of this application to discuss the issues raised below.

Claims 24 and 25 were rejected as being unpatentable over Randall in view of Franklin and DeLanzo.

Claims 26-33 were rejected as being unpatentable over the above references and further in view of The Visual Dictionary of Baseball.

Claim 34 appears to have been rejected along with claims 26-33.

Although Randall does teach a ball of the type used in the present invention (as well as the reduced diameter bat), there is nothing in this reference which suggests or teaches the use of such a ball and bat to train batters to improve their batting skills. It is only the present disclosure which teaches that, and, as will be pointed out below, none of the other references used to reject the claims makes such a suggestion, as well.

Franklin is an instructional book for training pitchers. It states so right on the first page. Inside, there are illustrations of how a pitcher delivers certain types of pitches.

DeLanzo shows a batting aid in which apparatus is employed to bias "the batter's head at a position of rotation relative to the batter's back hip such that the batter's eyes are in the best position during ball contact" (see Abstract).

As pointed out by the Examiner, The Visual Dictionary "demonstrates several well-known pitches, e.g. fastball, curveball, knuckleball, slider, sinkerball, etc."

There is nothing in any one of the above references which teaches or purports to teach a batter how to recognise and deal with specific kinds of pitches. In the present invention, the use of the special ball exaggerates the ball's motion when compared to that of a conventional baseball (see page 20, third paragraph) which makes it easier for the batter to learn how to identify such kinds of pitches, thus improving the batting capability of the batter. In addition, the narrower bat, as called for in the claims, requires a greater degree of accuracy on the part of the batter to hit the ball (see top of page 22).

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Nor is there anything in the above references which teaches or suggests the combination of the special ball and the special bat be used in the training of batters.

The undersigned does not understand how one can combine references lacking in basic teachings to obtain the present invention unless one has the benefit of the teachings of this application.

Independent claim 24 has been amended to recite these steps of the method in greater detail, the language added being taken from page 20, second paragraph, and page 22, first line, of the specification. Since none of the references teaches or suggests the training of batters to identify and deal with specific pitches, it is not seen how they can be combined to produce such a training method.

The depending claims, adding further details of the invention, should be allowed along with their parent claim.

Independent claim 34 drawn to a method of playing a game of baseball using the modified ball and bat remains unchanged, and reconsideration of the rejection is requested on the grounds that Randall does not teach or suggest the playing of a game of baseball according to the rules of baseball. As pointed out previously, Randall actually teaches away from the use of such a bat and ball in playing the game of baseball by stating that they can "be used in games *similar* to baseball, or in other throwing and batting games" (emphasis added).

In view of the foregoing, the claims are believed to distinguish clearly over the art of record and should be allowed.

The Examiner is requested to call the undersigned or Mr. Kroll if any changes are required to obtain allowance of this application.

A favourable action is solicited.

Respectfully submitted,


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Leonard Belkin